

CITY COUNCIL MINUTES

**April 23, 2012
REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 23, 2012 at 6:00 p.m. with Mayor Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Bridget Powers, Kevin Hanley, Keith Nesbitt, William W. Kirby

Council Members Absent: J. M. "Mike" Holmes

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Hanley/ Powers/ Unanimously approved by voice

1. Conference with Legal Counsel

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation:

(G.C. 54956.9(a))

Joseph G. R. Labrie, Auburn City Clerk v. Board of Supervisors for the County of Placer, Jim McCauley, County Clerk-Record-Registrar of Voters (James Earp, Hank Gonzales and California Alliance for Jobs, Real Parties in Interest), Placer County Superior Court Case No. SCV-0030835

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

Mosquito and West Nile Virus Awareness Week Proclamation
Placer Camera Club Commendation

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve City Council minutes of 04/02/2012.

2. **Approval of Warrants Paid – March 2012**

By **RESOLUTION 12-29**, ratify and approve payment of warrants 79433 through 79638 totaling \$947,311.39.

3. **Quarterly Report of Investments – Quarter Ending December 31, 2011**

Receive, review and file the *“City of Auburn Quarterly Investment Report”* for the quarter ending December 31, 2011.

4. **Sewer Collection System – Utility Crane Truck Purchase**

By **RESOLUTION 12-30**, authorize the Public Works Director to purchase a crane truck for the Sewer Collections Division.

5. **CalPERS Contract Amendment Resolution of Intention and Disclosure of Costs to Participate in the 1959 Survivor Death Benefit Program**

By **RESOLUTION 12-31**, adopt a Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees' Retirement System and City of Auburn providing Section 21574 (Forth Level of 1959 Survivor Benefits) for local police members.

By **RESOLUTION 12-32**, consistent with Government Code Section 7507, disclose the future annual employer costs for the increase in benefits by providing Section 21574 for local police members to be \$1,296.00.

6. **Assignment of Auburn Airport Land Lease from Chet Eccles III to Ash David Vidal**

By **RESOLUTION 12-33**, authorize the City Manager or his designee to approve the assignment and assumption of the land lease between the City of Auburn and Chet Eccles III to Ash David Vidal, and authorize the execution of all related documents.

7. **Airport Land Lease Assignment, Option, and Commercial Office Lease – Emery C. Oxley Jr. and Linda L. Oxley, Trustees**

By **RESOLUTION 12-34**,

1. Approve the assignment and assumption of the land lease between the City of Auburn and Emery C. Oxley Jr. and Linda L. Oxley to Emery C. Oxley and Linda L. Oxley, as trustees of the Oxley Family Trust, dated June 10, 2005;
2. Approve an option granted to Emery C. Oxley and Linda L. Oxley to lease certain defined property within the Auburn Airport with the intention of developing the option area within the next five to eight years; and
3. Approve a Commercial Office lease between the City of Auburn and Emery C. Oxley Jr. and Linda L. Oxley, as trustees of the Oxley Family Trust for a period of ten years unless explicitly terminated upon exercise of an approved option.

8. **Sisters of Mercy – Parcel Map**

By **RESOLUTION 12-35**, approve the application for recording of the Sisters of Mercy Parcel Map at the Placer County Recorder's Office.

9. **Streetlight Retrofit Project – Agreement with PG&E**
removed from consent, see PUBLIC HEARING

10. **Right of Way Certification**

By **RESOLUTION 12-36**, authorize the Director of Public Works to execute on behalf of the City, all right of way certifications for locally funded projects, and as required by the State of California Department of Transportation and the federal government pertaining to certifying that rights of ways have been acquired according to the regulations for federal funded transportation projects.

11. **Consideration of Approving and Adopting an Update of the Recognized Obligation Payment Schedule Pursuant to Health and Safety Code Section 34177**

By **RESOLUTION 12-37**, approve and adopt an update to the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Powers/ Hanley/ Approved 4:0 (Holmes absent)

12. **Public Comment**

Council Member Powers said the Inaugural Auburn Marathon was held last weekend and was a great event.

Council Member Kirby said a benefit dinner was held last weekend in memory of Justine Vanderschoot to benefit local law enforcement.

Megan Siren, Public Works Department, spoke about the upcoming pharmaceutical take back day.

PUBLIC HEARING

12a. **Streetlight Retrofit Project – Agreement with PG&E (formerly #9)**

Public Works Engineer Carie Huff presented this item. She clarified the correct estimate in the staff report (pg. 108) for the retrofit of 66 streetlights. She said in 2010 the City received a grant through the California Energy Commission to retrofit existing street lights. She said the City is proposing to contact directly with PG&E to complete the retrofit. She said the grant deadline is June 14th. She said the current lights cost approximately \$8,093 annually with a 5-7 year lifespan. She said the proposed LED lights cost approximately \$5,000 annually with a 15-20 year lifespan. She said the longer lifespan of the lights will result in lower maintenance costs to the City.

Council Member questions followed regarding the circumstances under which a private contractor would need to be hired, the fiscal impact to the City, and the impacts of unexpected delays.

Bernie Schroeder said the contact with PG&E is for the full retrofit project. She said there are strategies in place to ensure the grant deadline is met.

Joe Labrie, City Clerk, asked about current traffic signal light bulb outages around the City.

By **RESOLUTION 12-38**, following a public hearing, authorize the Director of Public Works to enter into an agreement with PG&E to complete the Streetlight Retrofit Project.

MOTION: Kirby/ Powers/ Approved 4:0 (Holmes absent)

REPORTS

13. Black and White Event Update

Bruce Cosgrove, CEO of the Auburn Chamber of Commerce, said the proposed event this year has been modified from previous years. He said it will be much smaller with limited ticket sales. He said they have been focusing on addressing issues of concern from previous years. He said an operating plan has been submitted to the City Manager and Police Chief.

Richard Hall, President of the Chamber of Commerce, said they wanted to hold an event that would recognize the community and create an opportunity for the community to celebrate who we are and what we do.

Council Member questions followed regarding physical layout of the event, attendance, and alcohol use.

Bruce Cosgrove said the event will take up half the space in Downtown compared to previous years. He said attendance will be limited to 2,000 people. He said there will be changes to dress code and music. He said there will be 2 dance venues.

Richard Hall went into further detail on the actual footprint of the event and street closures. He addressed how liquor sales will be controlled. He said ticket vouchers will be given to sponsors for disbursement.

Margarita Swann, Golden Swann Jewelers, spoke in opposition to holding this event in Downtown. She said she collected signatures in 2008 and again this year to move the location of the event. She said there are problems with property damage in Downtown as a result of this event.

Both City Manager Robert Richardson and Public Works Director Bernie Schroeder said they were not made aware of any property damage caused by this event in previous years.

Rob Solomon, Auburn Jewelry and Loan, spoke about his participation in previous years. He clarified that the statue that is placed on the clock tower is not directly plugged in to that unit, and therefore could not have caused any damage to the power on that unit.

Margarita Swann said a speaker hooked up to the clock tower blew out the computer in the unit. She said the statue also caused damage to the clock tower.

Ben Asgharzadeh, Golden Swann Jewelers, spoke in opposition to the event in Downtown. He said it does not benefit Downtown in any way.

Richard Hall said the hours of the event will be shortened from previous years.

Council comments followed regarding avoiding the problems with this event in previous years. It was suggested that the Chamber talk to the business owners that the event will affect and try to address their concerns.

14. **City Council Committee Reports**

Mayor Nesbitt reported the Placer County Transportation Planning Agency approved funding for bus shelters. He also reported on the Economic Development Commission and their Industrial Business Park marketing efforts.

COUNCIL BUSINESS

15. **Tile Engraving at Central Square to Recognize Michael Goodwin**

Mayor Nesbitt introduced this item. He said he asked for it to be on the agenda because the Streetscape History and Art Advisory Committee (SHAAC) ended in June of 2011. He explained the criteria the SHAAC had used when reviewing tiles.

Council Member Kirby said at a previous Council meeting it was decided to have potential tiles reviewed by an ad hoc committee before being brought forward to Council for approval.

Mayor Nesbitt talked about the history of the SHAAC Ad Hoc Committee and what would need to happen to form a new committee. He said the committee had formulated a list of over 300 names to potentially be engraved on tiles.

Janet Crosby, Auburn Symphony League, said it is important to have a procedure on how to request the engraving of a tile. She said she hopes creating a procedure or committee will not slow down the tile request at hand.

Council Member Powers spoke about the importance of following the process SHAAC laid out.

Council Member Kirby said he doesn't feel that the tile in question meets the criteria previously set forth by SHAAC. He said he would like to see a committee created to review tile nominations.

Council Member Hanley spoke about the importance of the SHAAC committee in these decisions. He said that committee's duties did not end when future phases of Streetscape had to be put on hold due to the dissolving of the redevelopment agency. He said he feels Michael Goodwin had a huge impact on the Auburn Community in the last 14 years.

Mayor Nesbitt said any committee only makes a recommendation to the Council, and the Council makes the ultimate decision.

By **MOTION**, bring an item back to Council at the May 14th meeting to constitute a new SHAAC committee.

MOTION: Hanley/ Powers/ Approved 3:1 (Nesbitt voted no; Holmes absent)

Mayor Nesbitt said he would like the formation of a committee to happen quickly, so this tile can be addressed.

Council Member Kirby said he does not think time is an issue for the tile decision, he said time to evaluate the tile and receive community input is needed to do it correctly.

16. **Review of Old Town Business Association Draft Annual Report and New Fee Assessment**

City Manager Robert Richardson presented this item. He gave a brief history of the recent actions in regards to the Old Town Business Improvement District.

City Attorney Michael Colantuono explained the legality of the opt-out option. He said there is no way to opt-out of the duty to pay the assessment, there is only the ability to opt-out of the private association.

Council Member Hanley asked about the difference between the fee structures presented in the staff report.

Linda Robinson, President of the OTBA, explained the actions the board has recently taken and introduced Don Baker to explain the budget.

Don Baker, Treasurer of the OTBA, spoke about the budget committee that was formed and what changes were made to the fees for different businesses in the district.

Council Member questions to Don Baker followed regarding: (1) difference in overhead for different types of businesses, (2) support of revised budget, (3) BID total receipts in previous years, (4) assessment amounts in relation to direct benefit to business types, and (5) street fair expenses.

Bill Clough, former officer of the OTBA and presently Governor of the Moose Lodge in the OTBA district, spoke about the benefit of the BID to professional services and the Old Town area in general. He said the OTBA has been an integral part of providing the community environment to Old Town.

Council comments followed regarding: (1) professionals participation in the OTBA, (2) professional services fee, (3) structure of the OTBA board, and (4) a maximum amount for fees.

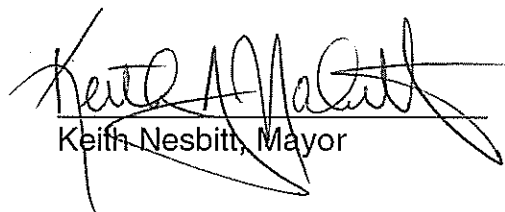
By RESOLUTION 12-39:

1. Appoint the City Manager as the advisory board for both the Old Town and Downtown Business Improvement District.
2. Hear and consider the Draft Annual BID Report submitted by the Old Town Business District. Comments from the Council are to be taken into consideration for the final draft.
3. Set the date for the Annual Business Improvement Districts Report Review and Resolution of Intention for Assessment for May 14, 2012; additionally, set a Public Hearing for June 11, 2012 to review the proposed fees for the Business Improvement Districts.

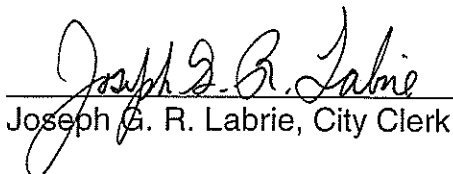
MOTION: Powers/ Hanley/ Approved 4:0 (Holmes absent)

ADJOURNMENT

Mayor Nesbitt adjourned the meeting, without objection, at 8:05 p.m.



Keith Nesbitt, Mayor



Joseph G. R. Labrie, City Clerk